



March 13, 2008

LAFCO  
70 West Hedding Street, 11<sup>th</sup> floor  
San Jose, CA 95110

Attention: Neelima Palacherla

Subject: San Martin Incorporation

Dear Mr. Palacherla:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Revised Negative Declaration for incorporation of San Martin. We have no comments at this time.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roy Molseed", is written over the word "Sincerely,".

Roy Molseed  
Senior Environmental Planner

RM:kh

## Palacherla, Neelima

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**From:** Kathy Molloy Previsich [Kathy.MolloyPrevisich@morganhill.ca.gov]  
**Sent:** Thursday, March 20, 2008 11:54 AM  
**To:** Palacherla, Neelima; Noel, Dunia  
**Cc:** David Bischoff  
**Subject:** San Martin boundary

Hello:

This email is to convey that the Morgan Hill City Council took action to state Morgan Hill's position regarding Areas 2 and 3. The Council took the following action:

- (1) Morgan Hill does support the inclusion of "Area 2" within the San Martin boundary, therefore would support amendment of Morgan Hill's sphere of influence to exclude Area 2 from Morgan Hill's sphere; and
- (2) Without a broader context for amending Morgan Hill's urban service area/city limits boundaries in the Monterey Road area of Morgan Hill's southerly sphere of influence boundary; Morgan Hill would not support the amendment of Morgan Hill's sphere in order to include "Area 3" (Crownier subdivision) within Morgan Hill's sphere, therefore Area 3 should remain within San Martin.

The one qualification the Council made was that it wanted to make sure that the new boundary for Area 2 was at the ridgeline.

Please let me know if you need anything further regarding this matter.

Kathy

4/11/2008



## CITY COUNCIL STAFF REPORT

**MEETING DATE:** March 19, 2008

### MORGAN HILL POSITION REGARDING BOUNDARIES FOR PROPOSED INCORPORATION OF TOWN OF SAN MARTIN

**RECOMMENDED ACTION(S):** That the City Council state the City's position regarding two specific geographical areas related to the proposed incorporation of San Martin, as follows:

- (1) Morgan Hill does support the inclusion of "Area 2" within the San Martin boundary, therefore would support amendment of Morgan Hill's sphere of influence to exclude Area 2 from Morgan Hill's sphere; and
- (2) Without a broader context for amending Morgan Hill's urban service area/city limits boundaries in the Monterey Road area of Morgan Hill's southerly sphere of influence boundary; Morgan Hill would not support the amendment of Morgan Hill's sphere in order to include "Area 3" (Crown subdivision) within Morgan Hill's sphere, therefore Area 3 should remain within San Martin.

**EXECUTIVE SUMMARY:** LAFCO has requested that the City Council take a position on two specific boundary matters related to the proposed incorporation of San Martin. A large color aerial map defining "Area 2" and "Area 3" is attached. Informally, city staff previously indicated to LAFCO staff that Area 2 seemed to better relate to San Martin in terms of topography and character, and the City would likely support an amendment of its sphere to remove it. Conversely, staff had indicated that Area 3, the Crown subdivision, seemed to relate more to San Martin, and the City would not likely support an amendment of Morgan Hill's sphere to add it, and it should probably remain within San Martin's proposed boundaries. The Crown area consists of an older subdivision on septic systems, and the lots are smaller than desired for septic service. The area may need a solution to wastewater treatment sooner than the anticipated progression of Morgan Hill's Urban Service Area (USA). The Town of San Martin, the County, and/or the property owners have other options for addressing that potential situation. It would seem to be appropriate to consider the area for inclusion in Morgan Hill's sphere only if a greater area of Morgan Hill's southerly sphere area were being considered for expansion of the USA and city limits. If the City Council agrees with the above, then a motion to adopt the staff recommendation would be appropriate.

The City Council may be also be interested to know that LAFCO has recently released a revised Initial Study and Negative Declaration, based on the above assumptions that Area 2 is within San Martin and Area 3 is not. Areas 4 and 5, totaling over 2,000 acres currently designated for Agriculture by the County's General Plan, are also included within the incorporation boundaries. The CEQA document, as with the version released in November 2007, states that there are no potentially significant environmental effects, and no required mitigation measures. This conclusion is made based on that the project is a "boundary project" that itself will not cause environmental impacts because *"the proposed project does not involve any new development or provision of new services or change in the level of current services. The County General Plan, Zoning Ordinance and other policies, regulations and ordinances affecting the area would be adopted by the new town after the necessary CEQA analysis. Any development projects proposed following incorporation would be subject to specific environmental review by the new city."* The document does note that the town, *"upon incorporation, would have the land use jurisdiction to designate future land uses and would have the authority to provide urban type services to lands within its boundaries"*, but concludes that *"it would be premature and speculative at this time to predict the potential future legislative decisions of the new town. Any such changes if and when they are proposed, will be subject to CEQA and the environmental analysis for those actions will be conducted by the new town at that time."*

It is also relevant to note that 3 of the 5 LAFCO Commissioners apparently agreed with the position of Town proponents and others that the "agricultural" areas of Area 4 and 5 were not well-suited for long term agricultural use, but that in any event, the Town would be adopting the County's regulations for the first 2 -3 years of incorporation and so current uses would not change. Once incorporated, LAFCO will have no future jurisdiction within San Martin. This situation is interesting to contemplate for its potential application to Morgan Hill. It could be stated that, with its Residential Development Control System that prevents premature expansion of the USA for residential uses, along with the potential for Morgan Hill to itself designate land for agricultural and rural residential uses, Morgan Hill may be better situated than San Martin to regulate its own USA and land uses within a city limit line that extends to Morgan Hill's adopted Urban Limit Line, and LAFCO oversight/jurisdiction may not be needed.

**FISCAL / RESOURCE IMPACT:** None.

Agenda Item # **31**

Prepared By:

*KMP*  
Community  
Development Director

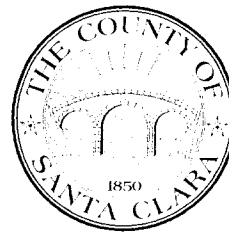
Submitted By:

*[Signature]*  
City Manager

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



April 7, 2008

Local Agency Formation Commission of Santa Clara County (LAFCO)

Attention: Neelima Palacherla, Executive Officer

70 West Hedding Street

11<sup>th</sup> Floor, East Wing

San Jose, CA 95110

**Subject: Proposed Incorporation of the City of San Martin: Revised Initial Study and Revised Negative Declaration**

Dear Ms. Palacherla:

The County Parks and Recreation Department ("County Parks Department") appreciates the opportunity to review and submit comments on the Revised Initial Study and Revised Negative Declaration (IS/ND) for the Proposed San Martin Incorporation project. The County Parks Department submits the following comments for consideration by LAFCO.

### **SECTION 2.0 PROJECT DESCRIPTION**

#### **Proposed Boundaries of the Incorporation (Page 5)**

It was noted in the previous comment letter, submitted on December 4, 2007, that the County Parks Department stated concerns regarding the project boundary as proposed for the City of San Martin's incorporation. Since LAFCO is required to analyze the proposed project boundaries as submitted by the San Martin Neighborhood Alliance, the current IS/ND states that LAFCO's preferred alternative incorporation boundary excludes Area 1, which would exclude the 253-acres within the West Flat Area of the Coyote Lake-Harvey Bear Ranch County Park. We understand that the LAFCO Commission will not be taking action to exclude the proposed modification Area 1 until May 7, 2008, therefore we recommend that Exhibit 3.1, map of the incorporation boundary, be updated to exclude Area 1 once the project boundary has been finalized.

#### **TABLE 2.1 CURRENT AND PROPOSED SERVICE PROVIDERS TO SAN MARTIN (Page 9)**

Under Table 2.1, the new City has been identified as assuming responsibility for future parks and recreation services within the City. The IS/ND states "at this time, no new park and recreation services are planned within the Town." However, the IS/ND should discuss the City's responsibility for any new local and neighborhood-serving parks and recreation programs in this area and how this would be



accomplished. The IS/ND should discuss potential recreational needs from the City residents to provide additional local and neighborhood-serving facilities and programs within the adjacent Coyote Lake-Harvey Bear Ranch County Park, which serves as a regional park facility for County residents and visitors.

## **LAND USE**

### **Santa Clara County Land Use Designations (Page 62)**

It was recommended in the previous comment letter that under the County policies discussions related to regional parks and trails, LAFCO should include a discussion related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation Section of the County General Plan, that the Board of Supervisors adopted on November 14, 1995. In addition, the Board approved the *Coyote Lake-Harvey Bear Ranch County Park Master Plan* and Natural Resources Management Plan on January 27, 2004, which outlines the future park development and resource management goals for the County Park facility. The Coyote Lake-Harvey Bear Ranch County Park Master Plan was listed in the IS/ND under "Parks and Recreation" on page 71. However there was no discussion of the future Master Plan improvements within the West Flat Area of the park, which would benefit County and local residents of the new City.

## **PUBLIC SERVICES**

### **Law Enforcement (Page 71)**

The IS/ND does acknowledge that the City will establish its own Police Department or contract with the County of Santa Clara Sheriffs Department. The previous comment letter recommended including a discussion on how law enforcement will be addressed within the interface areas between Coyote Lake-Harvey Bear Ranch County Park and the residential areas located along Foothill Avenue, San Martin Avenue and New Avenue. This was not addressed in the IS/ND and Parks Department recommends that it be included in the discussion.

### **Parks and Recreation (Page 71)**

The Initial Study states, "[a]fter incorporation, it is expected that the new Town will be responsible for park and recreation services." However, it states at this time no new park and recreation services are planned within the City. The IS/ND should clarify whether there would be an expectation that the City residents would seek local and neighborhood-serving park and recreation facilities and programs within the adjacent Coyote Lake- Harvey Bear Ranch County Park.

Under impact discussion (c) on page 74, we understand that the IS/ND assumes that the existing 6,900 residents will continue using the nearby park's trails, staging areas, interpretive and recreational programs and other facilities, and that no additional population impacts would be expected. However, once a new General Plan is adopted by the City Council, there would be future development that would result in additional population growth. It is expected that additional CEQA review would be completed to address potential impacts on Coyote Lake-Harvey Bear Ranch County Park with future development activities within the new City.

As related to existing approved land use plans, the IS/ND should acknowledge the Parks Department's future goals for developing a golf course facility, events center, off-leash dog park, day use areas, staging areas and other programmed uses within the West Flat Area of the County Park. The IS/ND does not include a discussion on how the incorporation would potentially affect the future development of this County Park in accordance with the Board-approved planning policies.

Under impact discussion (e) on page 75, the IS/ND states "none of the proposed countywide trail routes have been implemented and there are no trail routes within the road right-of-way that the new City would maintain." The discussion should acknowledge the planned countywide trail network within the project area as future recreational opportunities for the City's implementation, operations and maintenance. The IS/ND does not address the residents' desires to use improved trail facilities within their City as a form of alternative transportation, which would result in an increased need for and use of the countywide trail system.

## RECREATION AND MINERAL RESOURCES

### SETTING

#### Parks (Page 73)

The IS/ND should correctly identify the San Martin Cross Valley Sub-Regional Trail Route (S8) as a Sub-Regional Trail, not a Connecting Trail. The West Valley Sub-Regional Trail Route is spelled incorrectly. The IS/ND should distinguish segments of the proposed trail route that are located within private property and would be considered for dedication when the landowner is a willing participant versus segments of the proposed trail route that is located within the road right-of-way. Future development potential for properties located adjacent to the proposed countywide trail routes should take into consideration trail dedication(s) as part of the new City's implementation of the *Countywide Trails Master Plan Update* and General Plan policies.

The IS/ND should include a discussion of the new City's responsibilities related to the implementation of these countywide trail routes within the proposed incorporation area.

If you have any questions regarding these comments, please contact me at (408) 355-2230 or at [Kimberly.Brosseau@prk.sccgov.org](mailto:Kimberly.Brosseau@prk.sccgov.org).

Sincerely,



Kimberly Brosseau  
Park Planner III

Attachment: County Parks Response Letter to LAFCO dated 12/4/07

cc: Lisa Killough, Director  
Julie Mark, Deputy Director of Administration  
Jim O'Connor, Deputy Director of Operations and Maintenance  
Jane Mark, Senior Planner  
Rachael Gibson, Policy Aide to Supervisor Don Gage,  
District One Office of Board of Supervisors

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



December 4, 2007

Local Agency Formation Commission of Santa Clara County (LAFCO)  
Attention: Neelima Palacherla, Executive Officer  
70 West Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

**SUBJECT: Proposed Incorporation of the Town of San Martin: Initial Study and Proposed Negative Declaration**

Dear Ms. Palacherla:

The County Parks and Recreation Department ("Parks Department") appreciates the opportunity to review and submit comments on the Initial Study and Negative Declaration (IS/ND) for the Proposed San Martin Incorporation project. The Parks Department submits the following comments for consideration by LAFCO.

**SECTION 2.0 PROJECT DESCRIPTION**  
**Proposed Boundaries of the Incorporation (Page 4)**

The current project boundaries, as proposed for the Town of San Martin's incorporation, includes lands located within the western portion of Coyote Lake-Harvey Bear Ranch County Park, which is inconsistent with LAFCO's Incorporation Policies (adopted May 30, 2007) that discourages inclusion of agricultural and open space lands within the boundaries of a proposed city. The 4,595-acre Coyote Lake-Harvey Bear Ranch County Park is owned and operated by the Parks Department, where lands including Coyote Lake and contiguous to the lake are also under the jurisdiction of the Santa Clara Valley Water District.

The Parks Department understands that LAFCO is required to consider alternative project boundaries and has the authority to modify boundaries as part of the LAFCO incorporation process. As previously discussed with LAFCO staff in July 2007, we recommended that LAFCO modify the proposed incorporation boundaries to exclude the proposed 253-acre portion of Coyote Lake-Harvey Bear Ranch County Park. The Parks Department would be available for agency consultation to assist with LAFCO staff's development of alternative boundary recommendations for the staff report to the Commission.

It should be noted that by submitting the following comments, the Parks Department does not endorse the applicant's current project boundaries. We recognize that the project's boundary issue is not considered an environmental effect of the proposed incorporation and that the IS/ND



discusses the San Martin Neighborhood Alliance, Inc.'s proposed project boundaries, as required by the LAFCO incorporation process and CEQA guidelines.

## **TABLE 2.1 CURRENT AND PROPOSED SERVICE PROVIDERS TO SAN MARTIN**

Under Table 2.1, the City is identified as assuming responsibility for "Parks and Recreation," which would supplant the County's responsibilities for this area. However, this designation is inconsistent with the discussion under the Public Services section, where the IS/ND discusses the County's continual role and responsibility with the ownership and operation of Coyote Lake-Harvey Bear Ranch County Park. Additionally, there is minimal discussion related to the Town of San Martin's provision of local park and recreation services. Thus additional clarification is needed to support the City's responsibility in this area. The Parks Department also recommends that Table 2.1 be updated to be consistent with the IS/ND's discussions on parks and recreation services on page 61.

## **LAND USE**

### **Santa Clara County Land Use Designations (Page 53)**

Under the County general plan and planning policies discussions related to regional parks and trails, LAFCO should include a discussion related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation Section of the County General Plan, that the Board of Supervisors adopted on November 14, 1995. In addition, the Board approved the *Coyote Lake-Harvey Bear Ranch County Park Master Plan* and *Natural Resources Management Plan* on January 27, 2004, which outlines the future park development and resource management goals for the County park facility. These planning documents should be included as related planning policies for the Town of San Martin's consideration.

## **PUBLIC SERVICES**

### **Law Enforcement (Page 61)**

The Town of San Martin should consider the existing contractual agreements between the County Parks Department and the County Sheriff's Office for addressing law enforcement within the interface areas between Coyote Lake-Harvey Bear Ranch County Park and the residential areas located along Foothill Avenue, San Martin Avenue, and New Avenue.

### **Parks and Recreation (Page 61)**

The Initial Study states, "[a]fter incorporation, it is expected that the new City will be responsible for park and recreation services." There is minimal discussion on the future needs and provisions for local parks and recreation services for the new City's residents. Therefore, there would be an expectation that the City residents would seek local park and recreation-serving facilities and programs within the adjacent Coyote Lake-Harvey Bear Ranch County Park.

Under impact discussion (c) on page 64, the IS/ND does not adequately discuss the potential environmental impacts to Coyote Lake-Harvey Bear Ranch County Park as related to the population of approximately 6,900 residents likely using the nearby park's trails, staging areas, interpretive and recreational programs and other facilities.





Under impact discussion (e) on page 64, the IS/ND does not address the residents' desires to use improved trail facilities within their City as a form of alternative transportation, which would result in an increased need for and use of the countywide trail system. The discussion should acknowledge the planned countywide trail network within the project area as future recreational opportunities for the City's implementation, operations and maintenance.

Although the discussion acknowledges the existing Coyote Lake-Harvey Bear Ranch County Park facility, the IS/ND does not acknowledge the future planned recreational uses that will be developed within the West Flat area of this County Park. As identified in the Board-approved Master Plan, the IS/ND should acknowledge the Parks Department's future goals for developing a golf course facility, events center, off-leash dog park, day use areas, staging areas and other programmed uses within the West Flat Area of the County Park. The IS/ND should discuss how this incorporation would potentially affect the future development of this County Park in accordance with the Board-approved planning policies.

A number of regional, sub-regional and connector trail routes identified in the *Countywide Trails Master Plan Update* (November, 1995) are located within the areas proposed for incorporation. Under the Park Setting discussion on page 63, two additional proposed trail routes, that are identified within road right-of-way and/or private property, should be included as part of the countywide trail system within the project area:

- **R1-A (bike)** - Juan Bautista de Anza National Historic Trail Northern Bicycle Retracement Route (Regional Trail Route)
- **S6** - West Valley Sub-Regional Trail Route

In addition, there should be additional clarification regarding the proposed **San Martin Cross Valley Sub-Regional Trail Route (S8)**. The IS/ND should distinguish segments of the proposed trail route that are located within private property and would be considered for dedication when the landowner is a willing participant versus segments of the proposed trail route that is located within road right-of-way. Future development potential for properties located adjacent to the proposed countywide trail routes should take into consideration trail dedication(s) as part of the new City's implementation of the *Countywide Trails Master Plan Update* policies.

The IS/ND should also include a discussion of related impacts associated with the new City's responsibilities for implementation of these countywide trail routes within the proposed incorporation area under Public Services (page 61).

If you have any questions, please contact me at (408) 355-2237 or at [jane.mark@prk.sccgov.org](mailto:jane.mark@prk.sccgov.org).

Sincerely,



Jane F. Mark, AICP  
Senior Planner

Attachment: County Parks Director's Letter to LAFCO (July 16, 2007)



C: Lisa Killough, Director  
Julie Mark, Deputy Director of Administration  
Jim O'Connor, Deputy Director of Operations and Maintenance  
Rachael Gibson, Policy Aide to Supervisor Don Gage,  
District One Office of Board of Supervisors





# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

April 8, 2008

**VIA FACSIMILE (408) 295-1613**

Neelima Palacheria  
LAFCO of Santa Clara County  
70 West Hedding Street  
11th Floor, East Wing  
San Jose, CA 95110

SUBJECT: Town of San Martin Incorporation Revised Negative Declaration  
(Santa Clara County)  
SCH#: 2007112017

Dear Ms. Palacheria:

The Department of Conservation's Division of Land Resource Protection (Department) has reviewed the Town of San Martin Incorporation Revised Negative Declaration.

The Department's comment to this project is essentially the same as the Town of San Martin Incorporation Negative Declaration comment letter dated December 4, 2007. If you require another copy of that letter, please contact Elliott Lum, Environmental Planner, at (916) 324-0869.

Sincerely,

  
Brian Leahy  
Assistant Director



April 9, 2008

Local Agency Formation Commission  
Attn: Neelima Palacherla, Executive Officer  
70 West Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

Re: Proposed Incorporation of the Town of San Martin: Revised Negative Declaration

Dear Ms. Palacherla:

Thank you for allowing Greenbelt Alliance to have the opportunity to comment on the Revised Initial Study and Negative Declaration on the proposed incorporation of the Town of San Martin. San Martin proponents are pursuing the incorporation of approximately 10,470 acres in between the communities of Morgan Hill and Gilroy in South Santa Clara County. The incorporation boundary, or city limits, will be coterminous with San Martin's Sphere of Influence and Urban Service Area. San Martin proponents are not planning to have urban services and intend to incorporate in order to preserve the rural character of their community and to have more local control.

Greenbelt Alliance has taken the position to oppose San Martin's incorporation. It is counterintuitive to think that incorporation will preserve a community's open space. While CEQA cannot speculate on what a future city council will do, it is reasonably foreseeable that San Martin will face enormous development pressure. The Negative Declaration states that the proposed project does not involve any new development nor the provision of new services, therefore no environmental impacts would occur.

Cities and towns provide services to their residents in the form of sidewalk repair, parks, libraries, garbage removal and so forth. These services come at a cost and property and sales tax revenues help to pay for basic services. Eventually, services provided by the County will need to be provided by San Martin. San Martin may need to grow in order to meet the needs of residents.

Additionally, San Martin's location along Highway 101 and Caltrain, on flat, easily developed land, makes it ripe for future development. The community also hosts an airport which is likely to see increased traffic. Creating a new community with

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SONOMA-MARIN OFFICE • 555 5th Street, Suite 300B, Santa Rosa, CA 95401 • (707) 575-3661 • Fax (707) 575-4275  
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expansive city boundaries opens the door for sprawling and inefficient land use patterns. Other communities, including Morgan Hill to the north and Gilroy to the south, have city limits and spheres of influence that are not coterminous. These, in addition to Urban Growth Boundaries, allow for cities to grow in a more orderly fashion so that resources and services are used more efficiently.

It is reasonably foreseeable that San Martin's need to provide services and its ideal location for development will foster an environment of intense development pressure. According to the Important Farmlands Map from 2006, San Martin has both Prime Farmland and Farmlands of Statewide Importance within its proposed boundaries. Once this area is within a city, it is fair game for development and will no longer be subject to LAFCO's recently adopted agricultural mitigation policies. Greenbelt Alliance is concerned that once this farmland is within city limits, its eventual loss to development will not be mitigated.

While it is understandable that jurisdictions want local control over how their communities grow, LAFCO was within its right to establish county-wide agricultural mitigation policies. Throughout California, the piecemeal development of local farmland has happened with little thought to the cumulative impact. LAFCO is helping to provide a regional context to the loss of this valuable resource.

- California has lost over 11 million acres of farmland since its peak in the 1950s.
- In 2004, the state's farmers and ranchers produced \$25.7 billion worth of goods.
- The California Department of Conservation reports that nearly 19,000 acres of farmland in five valley counties were converted to nonagricultural uses between 2002 and 2004, a 4,000-acre increase from the previous report.
- Between 1984 and 2004, Santa Clara County lost 33,288 acres of agricultural land to development, or 1,664 acres per year.
- California is the nation's largest food producer and the world's fifth largest supplier of food and agricultural commodities.

San Martin's desire to have local control, in part to preserve the rural setting, may mean that the community will lose sight of the bigger picture. Staff at Greenbelt Alliance have often heard South County residents claim that farming is no longer sustainable. However, the value of having locally grown fresh produce cannot be emphasized enough. Incorporating the entire valley floor sets in motion its eventual development. If this incorporation moves forward, Greenbelt Alliance urges LAFCO to modify the proposed boundaries to allow for tighter city limits that allow for city-centered growth.

Another point worth mentioning is that many cities, individuals and organizations are considering their carbon footprints as our global community faces climate change. Sprawling land use patterns that promote car dependence contribute heavily to greenhouse gas emissions. Compact developments near public transportation in a walkable and bikable setting is the direction that many cities in the Bay Area are

heading. San Martin, facing pressure to grow within its expansive city boundaries, may head in the opposite direction.

If CEQA cannot recognize these reasonably foreseeable issues, then Greenbelt Alliance must highlight very real concerns. Again, if incorporation for this new town moves forward, we encourage LAFCO to modify the proposed boundaries to allow for tighter city limits. This will encourage the type of compact development that will support the local CalTrain station, protect valuable farmlands and reduce greenhouse gas emissions.

Thank you for allowing us to comment, and please keep us informed of any upcoming meetings, reports and deadlines.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Beasley". The signature is fluid and cursive, with the first name "Michele" written in a larger, more prominent script than the last name "Beasley".

Michele Beasley  
South Bay Field Representative

# County of Santa Clara

Department of Planning and Development  
Planning Office

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70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
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April 10, 2008

To: Neelima Palacherla, Executive Officer, Santa Clara County Local Agency  
Formation Commission (LAFCO)

From: Bill Shoe, Principal Planner, for Michael M. Lopez, Manager

**RE: San Martin Incorporation Proposal (SMIP), Revised Initial Study Comments**

Thank you for the opportunity to comment further on the revised Initial Study for the San Martin Incorporation proposal. The SMIP Initial Study has been revised for various purposes, as stated on p. 3 of the Introduction, including additional analysis of the project's consistency with state law, and adopted policies of LAFCO, the cities, and the County.

Comments from the County of Santa Clara are focused on consistency of the proposed incorporation with applicable LAFCO and County policies, Section 3.1. Growth management-related County policies are intended to discourage the further urbanization of rural hillside and agricultural lands and the potential for associated environmental impacts. Per the CEQA Guidelines and as listed in the revised Initial Study, conflict with applicable land use plans and policies adopted for the purpose of avoiding an environmental impact would constitute a significant impact. Please find below specific comments regarding the project's consistency with these policies and thus its environmental impacts.

## **General Comments**

The SMIP Initial Study has been revised for various purposes, as stated on p. 3 of the Introduction, including additional analysis of the project's consistency with state law, and adopted policies of LAFCO, the cities, and the County. Overall, staff finds the additional evaluations to be adequate in terms of scope and content. Specific comments are as follows.

### **P. 13 LAFCO Incorporation Policies 3g**

*Discussion:* Under the County's Countywide Urban Growth Management Policies, only lands within an Urban Service Area are intended and planned for urban uses and development. Lands included within an USA should be used efficiently to meet urban population and development needs. Lands outside a city or its USA may only be considered for urban uses or development intensities upon inclusion within an USA by

LAFCO, when deemed appropriate and necessary to accommodate planned urban growth. Lands deemed unsuitable for urban development should remain outside USAs.

*Comment:* Outside the more densely developed community core of San Martin, any incorporation boundaries would inevitably include some percentage of undeveloped, or vacant lands. All of San Martin presently has County Land Use Plan designations of Rural Residential, Agriculture-Medium Scale, or other non-urban, resource conservation-related designations. Were incorporation limited to those areas having near-urban level densities and uses, it would be focused primarily on the village or community core area, plus some limited area of adjacent lands. That alternative would not necessarily be feasible, but less expansive boundaries would affect less open space lands.

## **P. 16, Santa Clara County General Plan Policies**

*Discussion:* The purpose of the revised Initial Study is to provide a more complete assessment of policy consistency for the San Martin incorporation proposal. Consequently, it is appropriate to consider the policies of the Countywide Growth and Development Chapter regarding new city incorporations, in general. Specifically, two policies of the Countywide Growth & Development Chapter apply, policies C-GD 25 and C-GD 28, p. B-15 of Book A of the General Plan (attached). Certain subjects of these policies address issues that lie outside the scope of CEQA environmental review. However, policy C-GD 28, subsection (c) addresses "areas deemed generally unsuitable for urban development, such as those with natural hazards or critical resources." The intent of subsection (c) is to ensure that incorporation proposals demonstrate that areas typically deemed unsuitable for urban development are not planned for development, or excluded from incorporation proposals, consistent with policies intended to exclude similar lands from city Urban Service Areas.

With regard to non-valley lands in and around the San Martin Planning Area that are included in the SMIP, a number of modifications have been made to exclude Ranchlands-designated areas, County-owned park lands, and dedicated open space lands of CordeValle. However, portions of those dedicated open space lands of CordeValle to the north of CordeValle Golf Club are contained within the proposed SMIP boundaries, as are the low-density hillside subdivisions of Hayes Lane and West San Martin Avenue. The latter lie outside the San Martin Planning Area.

*Comment:* For internal consistency and consistency with countywide growth management policies discouraging further annexation and urbanization of hillside lands, the Initial Study or Executive Officer's report should address more explicitly whether all such non-valley lands should be excluded, particularly all the CordeValle lands dedicated to the County as open space, and those that lie outside of the San Martin Planning Area.

## **P. 16-17, South County Joint Area Plan Policies, Part 5, Book B, County General Plan**

*Discussion:* These policies address issues such as agricultural buffers, greenbelts, or urban buffers between the South County cities, and adequate consideration for open space preservation generally for South County. The proposed incorporation boundaries



include all lands up to the Sphere-of-Influence (SOI) of Morgan Hill at Maple Avenue to the north, and all lands to Gilroy's SOI at Masten Avenue/Fitzgerald Avenue to the south. If approved as proposed, all unincorporated lands that most logically would relate to the designation and conservation of urban buffers within the San Martin Planning Area would become incorporated.

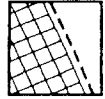
San Martin would be initially guided and governed by the existing Santa Clara County General Plan, including applicable South County Joint Area Plan policies. Although SMIP proponents assert there is no desire to change land use policies for the areas in question, upon incorporation, the Town of San Martin would become the sole arbiter of future land use planning for those areas and would be ultimately required to adopt its own general plan.

*Comment:* The Planning Office concurs with the overall assessment of policy consistency provided in the revised Initial Study regarding the South County Joint Area Plan policies. In light of that assessment, and some of the long term regional implications of the proposed incorporation boundaries for the growth management of South County cities, either the Initial Study or Executive Officer's overall report should specifically address the merits and demerits of less expansive boundaries for consistency with countywide growth management policies and South County Joint Area Plan policies. The proposed incorporation boundaries are more appropriate to the new town's Sphere-of-Influence, in comparison to the current Sphere boundaries of the South County cities.

Attachment:

P. B-15, Book A, Santa Clara County General Plan, Growth & Development Chapter

CC: Sylvia Gallegos, Deputy County Executive



## ■ New City Incorporations

Incorporation is the formal term used to describe the creation of a new city. Although in the 1990s and beyond there are few if any unincorporated communities which have potential to incorporate as new cities, the same basic criteria apply as those which govern special district formation. The most critical factor involved for approval of incorporation is the ability to generate tax revenues sufficient to provide the full complement of needed urban services and facilities. In addition, new cities should not be created on lands that would not generally be deemed suitable for urban development at any urban density. The cities' Urban Service Areas have already been established to generally exclude natural hazard and resource areas. Potential new city incorporations should also avoid such areas for urban development.



### *Policies and Implementation*

#### *C-GD 23*

Annexation to cities should take precedence over annexation to or formation of a special district. Proposals for the formation of a new special district must demonstrate that the need for services cannot be better met through annexation to a city or an existing special district.

#### *C-GD 24*

Any proposal to provide urban services by means of a special district should be evaluated to ensure:

- that the area has been designated for development compatible with the types and intensity of the proposed urban service or facility, and
- that the service plan is consistent with the applicable general plans of the County and affected city(s).

#### *C-GD 25*

Proposals for the formation of a special district or new city incorporation should not be approved unless proponents can demonstrate that there is a sufficient revenue base to support the new services without diminishing the tax base of existing governmental entities.

#### *C-GD 26*

The formation and activities of special districts should be consistent with adopted urban development policies of the Local Agency Formation Commission, the cities, and the County.

#### *C-GD 27*

Consolidation of special districts should be encouraged in order to assure cost-effective public service provision and eliminate unnecessary duplication of governmental entities.

#### *C-GD 28*

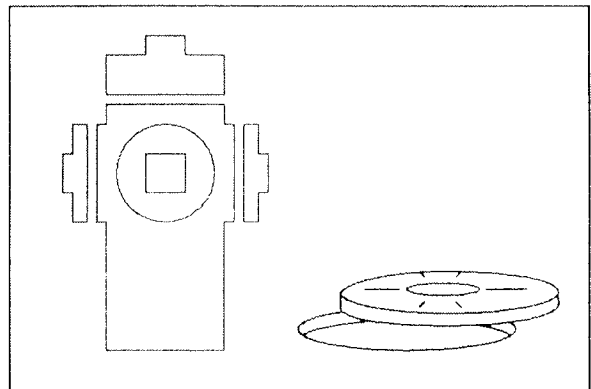
Proposals for incorporation must demonstrate that:

- the need for municipal services or control cannot be better satisfied by an existing city or the County;
- the proposed new city will be able to raise sufficient revenues to fund required services at the desired level; and
- areas deemed generally unsuitable for urban development, such as those with natural hazards or critical resources, are not planned for development.

### **Implementation Recommendations**

#### *C-GD(i) 6*

Undertake periodic review of the effectiveness of locally adopted LAFCO guidelines and policies. Amend LAFCO guidelines and policies for improved consistency with County policies regarding special districts, if necessary.





COMMITTEE FOR  
GREEN FOOTHILLS

April 10, 2008

Dunia Noel  
Santa Clara County LAFCO

**Re: Comments on the IS/ND for the proposed Incorporation of new city of San Martin  
SCH#2007112017**

Dear Dunia;

As stated at the February 6, 2008, the Committee for Green Foothills believes an Initial Study is inadequate for the proposed incorporation of San Martin so long as the Areas 4 and 5 are included in the incorporation area. In the absence of an EIR, LAFCO cannot legally approve the incorporation proposal.

The removal of Areas 4 and 5 from areas subject to LAFCO's Agricultural Mitigation policies mean a change in policies that apply to those lands. The stated reason for why no EIR is necessary is that no change in policies would occur, as the new City of San Martin would have the same initial General Plan that now applies to it as an area under Santa Clara County jurisdiction. This stated reason is contradicted by the loss of a policy for reducing the impact of lost agricultural land.

Furthermore, as the IS/ND itself notes, the proposed incorporation is inconsistent with LAFCO policy and enabling legislation. ISND at 12-14. Specifically, the inclusion of 2,000 acres of prime agricultural lands and 2,550 acres of open space lands contradict LAFCO provisions for compact and orderly growth. The following statements from the IS/ND simply indicate that it cannot be legally approved with the current boundaries:

*The project is not entirely consistent with Section 56300 of the CKH Act, as it is inconsistent with many of LAFCO's adopted written policies as discussed in detail in Section 3.1. Similarly, the project is not entirely consistent with Sections 56001, 56301, and 56377 of the CKH Act. Modifying the incorporation boundary is the primary means by which LAFCO could better implement the intent of the CKH Act and eliminate or reduce policy conflicts.*

*The project is not entirely consistent with Incorporation Boundaries Policy 3e.*

*Therefore this project is not entirely consistent with Incorporation Boundaries Policy 3g.*

*The project is not entirely consistent with Incorporation Boundaries Policy 3h.*

*This project is not entirely consistent with LAFCO's Urban Service Area Policies.*

*The project is not entirely consistent with LAFCO SOI Policy (B1) because it is not consistent with the County General Plan (i.e. the South County Joint Area Plan), nor the general plans of the City of Morgan Hill and Gilroy.*

The above represents only a few of the inconsistencies noted in the IS/ND. Inconsistencies with an agency's policies at least suggest a significant impact, and the "fair argument" standard for when an EIR is required is very low.

We recognize that some of these problems may persist even if Areas 4 and 5 were removed from the incorporation boundaries, but those two areas represent the most severe risk of environmental impact.

For all the above reasons, LAFCO cannot legally approve the IS/ND as the basis of approving the proposed incorporation of San Martin including Areas 4 and 5.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Schmidt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian A. Schmidt  
Legislative Advocate, Santa Clara County



## San Martin Neighborhood Alliance

*"Together We Make A Difference"*

April 10, 2008

Neelima Palacherla, Executive Officer  
Local Agency Formation Commission  
70 West Hedding Avenue  
11th Floor, East Wing  
San Jose, California 95110

RE: Proposed Incorporation of the Town of San Martin

Dear Neelima:

We have reviewed the Proposed Incorporation of the Town of San Martin: Revised Initial Study and Revised Negative Declaration and have the following comments.

### **Notice of Intent to Adopt a Revised Negative Declaration:**

We concur that the proposed project could not have a significant effect on the environment.

We would appreciate Local Agency Formation Commission (LAFCO) forwarding any other comments received on the Revised Initial Study and Revised Negative Declaration to the San Martin Neighborhood Alliance (SMNA), the proponents, as soon as they are received by LAFCO by April 10, 2008 so that we can review them in advance of the April 16, 2008 Public Hearing.

We note that LAFCO may adopt the proposed Revised Negative Declaration at the May 7, 2008 LAFCO Public Hearing. This is contrary to Page 10 of the original Initial Study which indicated an April 2008 date for adoption and we would like to know why it will take so long to adopt the Negative Declaration.

The Proposed San Martin Incorporation Boundary shown on the exhibit attached to the Notice of Intent does not show the revised boundary to add Area 2 along California Drive. This was the primary reason for having to revise the Initial Study.

### **Notice of Completion**

**Present Land Use/Zoning/General Plan Use** — This text is incorrect, misleading and inconsistent with Page 13 and Exhibit 5.3 of the Initial Study. The text should say "The San Martin Community is zoned and planned as a rural residential and agricultural area and not as a "rural agricultural and residential area".

**Revised Initial Study and Revised Negative Declaration:**

The SMNA provided comments on the original Initial Study on November 26, 2007. This was mentioned at the December 5, 2007 public hearing on the original Initial Study. In addition, on February 6, 2008, we told LAFCO that these comments were still not included in the package sent to the LAFCO Commissioners for the February 6, 2008 meeting. In spite of these notifications, our November 26, 2007 comments have still not been included in the Comment Letters in the Revised Initial Study. We are concerned about the continued failure of LAFCO staff to coordinate with the proponents and the failure of LAFCO staff to include our comments in the Initial Study in violation of CEQA.

Page 5 – Need to add City of Morgan Hill response to LAFCO on Areas 2 and 3.

Page 6 – Why does San Martin get detached from the County Library Service Area? This is a County system not a City system. This is also contradictory to what is stated on Page 71.

Pages 12 to 19 – Section 3.1 - Consistency with LAFCO and Local Policies. This section has been added to the Initial Study. It is not clear why this section has been added as we understand it is not a CEQA requirement.

The Cover indicates the Initial Study was prepared entirely by Michael Brandman Associates. No where in the Initial Study is it disclosed that Section 3.1 was actually prepared by LAFCO staff and not the consultants.

Pages 12 and 13 – Cortese Knox Hetzberg Act – Consistency Analysis. It states “However the town upon incorporation, would have the land use jurisdiction to designate future land uses and would have the authority to provide urban type services to lands within its boundaries .... could result in the premature conversion of agricultural lands or impact adjacent agricultural lands”. This statement is misleading as the County already has the power to do this and the Board of Supervisors recently approved a 19 lot subdivision on a 100 acre parcel that includes areas designated as “Prime Farmland” and “Farmland of Statewide Importance”. The County is also proposing to acquire about 100 acres for expansion of the South County/San Martin Airport on “Farmland of Statewide Importance and Local Importance”. The County, not the Town of San Martin, also approved the John H. Boccardo Family Living Center, Santa Clara County Government Center, San Martin Transfer Station and other urban type uses.

It is not clear what the 2,552 acres of “undeveloped lands” includes. (See next comment on LAFCO Incorporation Boundaries Policies 3e and 3g).

Page 13 – LAFCO Incorporation Boundaries Policies 3e and 3g – Consistency Analyses:  
The Initial Study says the area is 10,473 acres on Pages 3 and 5 but only 8, 659 acres on Page 13.

It is not clear what the 2,552 acres of “undeveloped lands” includes. An exhibit should be added to show the agriculture, hillside, roadside services and rural residential areas that are referred to as being included in the 2,552 acres.

The text references land zoned “A” (Exclusive Agriculture, Medium Scale). This appears to include about 880 acres of Exclusive Agriculture, Medium Scale land according to Exhibit 5.3. The area zoned for Exclusive Agriculture, Medium Scale is already primarily in Rural Residential use.

The 2,552 acres also refers to lands zoned “HS” (Hillsides). There appears to be about 1,880 acres designated Hillsides according to Exhibit 5.3. The Hillsides include about 780 acres of the Hayes Valley Estates and the entire Cordeville residential and resort development of approximately 980 acres. (According to Exhibit 5.3, Hillsides also includes the 733 acres of the Cordeville area that has been excluded from the modified Incorporation Boundary). The text says “the HS designation applies to mountainous lands and foothills unsuitable and/or unplanned for annexation and urban development.” This area already includes the developed Cordeville residential and resort community and the Hayes Valley Estates previously approved by the County Board of Supervisors.

The “RS” (Roadside Services) area is a 15 acre parcel, out of the 2,552 acres referred to (or less than 1 percent), on Masten Avenue next to the U.S. 101 highway interchange – a prime location for such services.

The text says the 2,552 acres of undeveloped lands also includes lands zoned “RR” (Rural Residential). This is the zoning designation for most of San Martin as shown on Figure 5.3. Why is Rural Residential mentioned and included within the 2,552 acres referred to as “undeveloped lands” when most of San Martin is Rural Residential?

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Neelima Palacherla, Executive Officer, LAFCO

April 10, 2008

Page 4

In addition, about 300 acres of Prime Farmland and Farmland of Statewide Importance are Williamson Act parcels that will not be renewed.

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Please call me at 408-529-2300 or email [rvantrood@mindspring.com](mailto:rvantrood@mindspring.com) if you have any questions or require additional information.

Sincerely,

SAN MARTIN NEIGHBORHOOD ALLIANCE



Richard van't Rood  
Chairman, SMNA Incorporation Committee

RVR/djk

cc: Sylvia Hamilton  
Freddi Comperchio  
Cleo Logan  
Pete Keesling





## San Martin Neighborhood Alliance

*"Together We Make A Difference"*

April 16, 2008

Neelima Palacherla, Executive Officer  
Local Agency Formation Commission  
70 West Hedding Avenue  
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Dear Neelima:

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April 16, 2008

Page 2

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The Cover indicates the Initial Study was prepared entirely by Michael Brandman Associates. No where in the Initial Study is it disclosed that Section 3.1 was actually prepared by LAFCO staff and not the Consultants.

This section is misleading and inconsistent with the rest of the Initial Study. The acreages used differ from the rest of the Initial Study. There is no exhibit to show the areas referred to.

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Neelima Palacherla, Executive Officer, LAFCO  
April 16, 2008  
Page 3

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The text references land zoned “A” (Exclusive Agriculture, Medium Scale). This appears to include about 880 acres of Exclusive Agriculture, Medium Scale land according to Exhibit 5.3. The area zoned for Exclusive Agriculture, Medium Scale is already primarily in Rural Residential use. For example, most of the properties in Areas 4 and 5 are already divided into Rural Residential lots and the agricultural designation is no longer consistent with the existing development and land use; this has been pointed out at previous LAFCO meetings.

The 2,552 acres also refers to lands zoned “HS” (Hillsides). There appears to be about 1,880 acres designated Hillsides according to Exhibit 5.3. The Hillsides include about 780 acres of the Hayes Valley Estates and the entire Cordeville residential and resort development of approximately 980 acres. (According to Exhibit 5.3, Hillsides also includes the 733 acres of the Cordeville area that has been excluded from the modified Incorporation Boundary). The text says “the HS designation applies to mountainous lands and foothills unsuitable and/or unplanned for annexation and urban development.” This area already includes the developed Cordeville residential and resort community and the Hayes Valley Estates previously approved by the County Board of Supervisors.

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Neelima Palacherla, Executive Officer, LAFCO  
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Page 4

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In addition, about 300 acres of Prime Farmland and Farmland of Statewide Importance are Williamson Act parcels that will not be renewed.

Page 15 – LAFCO Agricultural Mitigation Policies – Consistency Analysis: We concur that "the project will not result in the conversion of agricultural lands" and that "LAFCO's Agricultural Mitigation Policy does not directly apply to this project".

Pages 13 through 19 – Consistency Analyses: The Consistency Analyses states, in several places, that "the project is not entirely consistent" with the various policies. This should be restated to say "the project is generally consistent" with the various policies referred to. In addition, a sentence should be added to say there are either "No Impacts" or "Less than Significant Impacts" for each Consistency Analysis to follow the CEQA format used in the rest of the Initial Study.

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SAN MARTIN NEIGHBORHOOD ALLIANCE



Richard van't Rood  
Chairman, SMNA Incorporation Committee

RVR/djk  
cc: Sylvia Hamilton  
Freddi Comperchio  
Cleo Logan  
Pete Keesling